

Remarks/Arguments

The Office Action dated March 11, 2008 has been received and carefully studied.

The Examiner rejects claims 2, 13, 14-17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that the "said first port" in claim 2 and "the appropriate port" in claim 14 lack antecedent basis.

By virtue of the accompanying amendments, these claims have been modified to overcome these rejections.

The Examiner rejects claims 1, 14 and 17-19 under 102(e) as being anticipated by Droz et al (U.S. Patent Application Publication No. 2002/0136202). The Examiner states that Droz discloses a method of routing a packet from a source to a destination within a fabric having at least one switch, said switching having a plurality of ports, said method comprising: encapsulating said packet with a header, wherein said header comprises packet field data; transmitting said encapsulated packet from said source to said switch; receiving said encapsulated packet by said switch on one of said ports; determining an appropriate output port using said packet field data and the number of said ports; and transmitting said encapsulated packet from said switch via said appropriate output port.

This rejection is respectfully traversed. The Examiner, in the Response to Arguments, states that the claims do not specify how the packet field is being processed and only recite the use of information in the packet field. However, the Examiner neglected to note that claims 1, 14 and 18 require that the switch use only the packet header and the number of ports to determine the output port. The American Heritage Dictionary defines "only" as "solely", "exclusively", "without anything or anyone else", and "and nothing else or more". This word must be considered a limitation and significantly changes the scope of the claim. This definition clearly means that the use of a routing table does not meet the limitations of the claim.

Furthermore, the claims are interpreted in light of the specification. Based on the specification, it is clear that by using the term "only", the claims are confined to those methods of determining an output port that utilize the packet header field and the number of ports in the device, and no other information, to determine the output port. The specification discloses methods for performing this function, and therefore, the claims must be interpreted as not including the use of other information, such as routing tables.

Thus, these claims should be allowable in view of Droz for the reasons cited above and in the previous response.

The applicant has incorporated the subject matter of claims 1, 14 and 18 into claims 2, 15 and 20, respectively. As these claims were already allowable, this amendment places these claims, and all claims dependent on them, in condition

for allowance. The various dependent claims have been amended to avoid potential 35 U.S.C. §112, second paragraph concerns.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,

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